

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

Natural Resources Defense Council, Inc.;  
and National Wildlife Federation,

Plaintiff	Case Number
vs.	18-cv-1048
Environmental Protection Agency; E. Scott Pruitt, in his official capacity as the Administrator of the Environmental Protection Agency; Army Corps of Engineers; Ryan A. Fisher, in his official capacity as the Acting Assistant Secretary of the Army (Civil Works); and R.D. James, in his official capacity as the Assistant Secretary of the Army (Civil Works),	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

States of New York, California, Connecticut,  
Maryland, New Jersey, Oregon, Rhode Island,  
Vermont, and Washington; Commonwealth of  
Massachusetts; and the District of Columbia,

Plaintiff	Case Number
vs.	1:18-cv-1030
E. Scott Pruitt, as the Administrator of the United States Environmental Protection Agency; United States Environmental Protection Agency; Ryan A. Fisher, as Acting Assistant Secretary of the Army for Civil Works; and United States Army Corps of Engineers,	
Defendant	

## Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

Complaint and other initiating papers filed on February 6, 2018.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both the newly filed case and the earlier filed case challenge, under the Administrative Procedure Act, the legality of the rule published on February 6, 2018, titled, "Definition of 'Waters of the United States'—Addition of an Applicability Date to 2015 Clean Water Rule," published at 83 Fed Reg. 5,200 (Feb. 6, 2018). Based on our review of the earlier-filed case, we expect the two cases to advance overlapping -- although not necessarily identical -- legal arguments in seeking vacatur of that rule.

Signature: /s/ Catherine Marlantes Rahm

Date: Feb 6, 2018

Firm: Natural Resources Defense Council, 40 W.  
20th Street, New York, NY 10011